



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



October 16, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-43**

Presstek, Inc.
55 Executive Drive
Hudson, New Hampshire 03051

Mr. Ed Marino, President

**Presstek, Inc.
Hudson, New Hampshire
EPA ID # NHD500021738**

Dear Mr. Marino:

On August 14, 2002, the Department of Environmental Services (DES) conducted an inspection of Presstek, Inc. (Presstek). The purpose of the inspection was to determine Presstek's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 509.02(a)(1) – General Inspection Requirements

A review of Presstek's Hazardous Waste Storage Area Inspection Form revealed: 1) the time of inspection; and 2) the date and nature of repairs or remedial actions taken, were not documented.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, requires full quantity generators to conduct and document inspections of the facility, including hazardous waste storage areas. The inspections are required to be recorded in a log which includes the area being inspected, the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of the repairs or other remedial actions taken.

DES requests that Presstek amend the existing Hazardous Waste Storage Area Inspection Form to reflect the time of inspection, and the date and nature of any necessary repairs or remedial actions taken. Please submit an updated Hazardous Waste Storage Area Inspection Form to DES.

2. Env-Wm 509.02(a)(2) – Personnel Training

A review of Presstek's personnel training program revealed the following deficiencies:

- A. Primary Emergency Coordinator Robert Fabrizio did not receive hazardous waste management training in the year 2000.
- B. Secondary Emergency Coordinator Prakash Reddy and three (3) employees that have signed hazardous waste manifests, including Richard Lawlor, Arthur Dougherty, and Crystal Harwood, have not received hazardous waste management training.
- C. Hazardous waste handler Jerry Langlois has not received hazardous waste management training since November 29, 2000.
- D. Training records provided to DES failed to document that Presstek's training program included a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that annual reviews are conducted for personnel handling hazardous waste.

DES requests that Presstek conduct and document hazardous waste training and annual reviews for all Emergency Coordinators and employees who handle hazardous waste and/or sign hazardous waste manifests. DES also requests that Presstek maintain a written personnel training program which documents hazardous waste job titles, job descriptions, and names of employees filling each position. Furthermore, DES requests that Presstek maintain, as part of the program, a description of the type and amount of introductory and continuing training that is required for persons filling each hazardous waste related position (Refer to the enclosed Hazardous Waste Generator RCRA Inspection Checklist). Please submit a copy of this personnel training program to DES. Enclosed please find a suggested outline for personnel training records that may be used as a guide.

3. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Presstek's contingency plan revealed deficiencies regarding the following:

- (a) Home phone numbers and office and home addresses for the primary and secondary emergency coordinators;
- (b) Location, description, and capabilities of emergency equipment;

Description/sketch of the primary and alternate evacuation routes;

- (d) The specific information to provide to local authorities during an emergency;

The methods for monitoring facility equipment if there is a work stoppage;

- (f) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored, or disposed of until cleanup procedures are completed;

Procedures for providing that all equipment has been cleaned and is fit before resumption of operations;

Instructions to notify local authorities that the facility is in compliance with 40 CFR 265.56(h)(1) & (2) before resumption of activities; and

- (i) The facility contingency plan did not list the specific elements to be included in a 15-day report, listed in 40 CFR 265.56(j), that address details of the incident.

Env- Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requests that Presstek revise and update its contingency plan to correct any deficiencies as identified in the enclosed Hazardous Waste Generator RCRA Inspection Checklist. Enclosed please find a suggested outline for a contingency plan which may also be useful as a guide.

4. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the Chemical Mix Room was present but incomplete.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

DES requests that Presstek post the required information at the nearest telephone to the above-referenced hazardous waste storage area. Enclosed is a sample emergency posting for your reference.

5. Env-Wm 510.02(d) - Manifest Copy Distribution

At the time of the inspection, Presstek had on file the six (6) hazardous waste manifests listed below, which had not been submitted to DES.

- 1) Manifest No. MAK692646, dated 4/7/99
- 2) Manifest No. MAK688368, dated 5/20/99
- 3) Manifest No. MAK673513, dated 2/17/99
- 4) Manifest No. MAK627372, dated 1/21/99
- 5) Manifest No. MAM616133, dated 12/7/00
- 6) Manifest No. MAM921026, dated 2/1/01

Env-Wm 510.02 (d) requires that the generator retain one (1) copy of the manifest with signatures, and forward one (1) copy of the manifest with signatures to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requests that Presstek submit copies of the above-listed manifests to DES, and properly retain and distribute manifest copies for future shipments of hazardous waste.

On August 28, 2002, Mr. Robert Fabrizio provided the above-listed manifests to DES. No further action is required.

6. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, DES confirmed that a used oil determination had not been conducted for Presstek's hydraulic oil waste stream. The waste hydraulic oil is currently shipped as a Massachusetts state hazardous waste using waste code MA97, as stated in waste profile CH038961, which was provided by Presstek during the inspection.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that Presstek conduct an initial used oil determination for the hydraulic oil waste stream for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Presstek should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

7. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, four (4) containers of universal waste lamps, located in Electrical Room #2, were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requests that Presstek ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

During the inspection, Presstek personnel closed all containers of universal waste lamps. No further action is required.

8. Env-Wm 1102.04 – Universal Waste Management

At the time of the inspection, Presstek personnel indicated that Presstek generates universal waste cathode ray tubes (CRTs). DES inspectors requested documentation of disposal of the CRTs, or documentation as to how long CRTs are accumulated on site before being transported to another handler or destination facility. On August 28, 2002, Mr. Robert Fabrizio informed DES that no such documentation was available.

Env-Wm 1102.04 requires that a universal waste handler shall either: 1) not accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received from another handler; and 2) demonstrate the length of time that the waste has been accumulated from the date it becomes a waste by using the options specified in Env-Wm 1102.04(a)(2)(a-f); or 3) accumulate universal waste in excess of one year from the date the universal waste becomes as waste by complying with the provisions of Env-Wm 1102.04(b)(1-2).

DES requests that Presstek establish a method of documenting the length of time that universal waste CRTs have been accumulated from the date they become a waste using any of the methods stated in Env-Wm 1102.04(a)(2). Presstek should provide a description of the selected method and necessary documentation to DES.

9. Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, seventeen (17) containers of universal waste lamps, located in Electrical Room #2, were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1112.04 requires universal waste handlers to ensure all container(s) holding universal waste to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requests that Presstek clearly label or mark container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

During the inspection, Presstek personnel labeled all containers of universal waste lamps with the words "Universal Waste – Lamps". No further action is required.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Presstek can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Presstek, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,


COPY
Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 70993400000297731571

DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Robert Fabrizio, Senior Health and Safety/Environmental Engineer, Presstek, Inc

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist
 Suggested outline for personnel training records
 Suggested outline for Contingency Plans
 Sample Emergency Posting
 Summary of Requirements for Management of Used Oil Being Recycled
 NHDES List of "Laboratories that perform used oil analysis"